

17. (Amended) The moisture transfer apparel according to claim 16 [8], wherein the second layer is an elastomeric composite having an non-woven material attached to the foam.

20. (Amended) A moisture transfer apparel comprising on at least a portion of the apparel, a combination of layers comprising:

a first layer, closest to [the] an individual, the first layer being an [selected from a group of] inner moisture transfer material[s]; and

a second layer, abutting the first layer, selected from a group of outer moisture transfer materials, wherein the second layer is treated [by] with encapsulation.

REMARKS

Claims 1, 5, 6, 8, 9, 11, 12, 17, 20 have been amended. No claims have been canceled or added. Accordingly, claims 1-24 are currently pending in the application.

The Examiner has alleged that the Declaration is defective, the Applicant respectfully disagrees. The Examiner's attention is directed to the first paragraph on the second page of the Declaration which sets forth that which is required.

Claim 17 has been amended to change its dependency and thereby overcome the double patenting rejection. The claims

have been amended to overcome the outstanding rejection under 35 U.S.C. §101. No new matter has been added.

Claim 20 stands rejected under 35 U.S.C. §112, first paragraph. The Examiner alleges that claim 20 is drawn to an embodiment comprising only two layers and that such embodiment is not disclosed or enabled in the specification in such a way as to reasonably convey possession of the invention. Applicant has disclosed a combination of layers and is entitled to a claim of any scope that is not prevented by the prior art. To state otherwise would simply prevent Applicant from obtaining claims of a scope to which she is entitled. The Examiner is respectfully requested to support this contention or withdraw the rejection.

The claims have been amended to overcome the outstanding rejection under 35 U.S.C. §112, second paragraph.

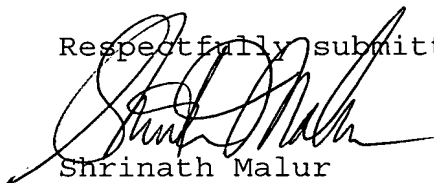
Claims 8, 10 and 12 stand rejected under 35 U.S.C. §102 as being anticipated by or, in the alternative, under 35 U.S.C. §103 as being obvious over Farnworth et al (U.S. Patent No. 5,021,280). Claims 9 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Farnworth. These rejections are overcome as follows.

Claim 8 has been amended to incorporate the limitation of the nonwoven material in a manner similar to claim 15, which appears from the Office Action to distinguish the present invention from the prior art. Therefore, claim 8 and dependent claims 9, 10, 12 and 13 also distinguish over the

prior art. In this regard, the Examiner has not explicitly stated that the claims other than those explicitly rejected distinguish over the prior art. Clarification in the next Office Action is respectfully requested.

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,



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